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LAW DEPARTMENT

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MEMO ENDORSED

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July 3, 2008

**BY HAND DELIVERY**

The Honorable William H. Pauley  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

*Application granted.*  
**SO ORDERED:**

*[Signature]*  
WILLIAM H. PAULEY III U.S.D.J.  
7/28/08

Re: Gilbert Bogen, et al. v. City of New York, et al.,  
08 CV 5089 (WHP)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above referenced matter. I write to respectfully request an enlargement of time from the present date until September 3, 2008, to answer or otherwise respond to plaintiffs' complaint on behalf of defendant City of New York.<sup>1</sup> This is defendant's first request for an enlargement of time to respond to plaintiffs' complaint. The undersigned attempted to contact plaintiffs' counsel, David Broderick, Esq., for his consent to this request, but was unable to reach him.

In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. Plaintiffs Gilbert Bogen and Arnoldo Madriz, both employed as bounty hunters, appear to be alleging that, on or about February 8, 2006, as they were separately entering 26 Federal Plaza, they were "falsely arrested and charged with impersonating police officers." Specifically, plaintiffs allege that they were required to place their belongings on the X-ray belt when they entered the building. According to plaintiffs' complaint, after the X-ray technician noted a badge/shield inside of their bags, the FBI was called. Plaintiffs further allege that the FBI took each of them into a room to ask them a "couple of questions" before releasing them to defendants for "questioning." Plaintiffs claim that they were both ultimately placed under arrest for "impersonating a police officer." Plaintiffs further claim that they were transported to the Fifth precinct before being taken to 100 Centre Street, where they were allegedly held for three days. While at 100 Centre Street, plaintiffs

<sup>1</sup> Upon information and belief, defendants "Raymond A. Brockmann" and "SGT Schumacher" have not yet been served with process in this action.

maintain that they were “deprived the opportunity to consult with a lawyer.” According to plaintiffs’ complaint, all charges against them were subsequently dismissed. Accordingly, it is necessary for defendant to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. To that end, this office is in the process of forwarding to plaintiffs for execution N.Y.C.P.L. §160.50 releases so that we can access the sealed records from plaintiffs’ underlying criminal prosecutions, including the criminal court files, the District Attorney’s files, and even our own police records. In addition, to the extent plaintiffs are claiming injuries resulting from the alleged incidents, this office is also in the process of forwarding HIPAA compliant medical releases to plaintiffs for their execution so that we may access any relevant medical records.

Accordingly, defendant City of New York respectfully requests that its time to respond to the complaint be extended to September 3, 2008. Thank you for your consideration of this request.

Respectfully submitted,



Jessica T. Cohen (JC 0044)  
Assistant Corporation Counsel

cc: David Broderick, Esq. (by first-class mail)  
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